



Order Filed on January 10, 2024
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In Re:

ALUMINUM SHAPES, L.L.C.,

Debtor.

Chapter 11

Case No. 21-16520-JNP

Hon. Jerrold N. Poslusny, Jr.

**ORDER SUSTAINING THE LIQUIDATING TRUST'S FIRST OMNIBUS CLAIMS
OBJECTION FOR ENTRY OF AN ORDER
EXPUNGING, MODIFYING AND/OR RECLASSIFYING CERTAIN CLAIMS**

The relief set forth on the following pages, numbered two (2) through four (4) is hereby
ORDERED.

DATED: January 10, 2024

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

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DEBTOR: Aluminum Shapes, L.L.C.

CASE NO: 21-16520-JNP

CAPTION: Order Sustaining The Liquidating Trust's First Omnibus Objection For Entry Of An Order
Expunging, Modifying And/Or Reclassifying Certain Claims

THIS MATTER having been opened before the Court upon the fourth omnibus objection (the "Objection")¹ of the Liquidating Trust of Aluminum Shapes L.L.C. (the "Liquidating Trust") in the above-captioned chapter 11 case, seeking entry of an order pursuant to sections 105(a) and 502 of the Bankruptcy Code, Bankruptcy Rule 3007, and Local Rule 3007-2, expunging, modifying and/or reclassifying the claims listed on **Schedules A through H** hereto for the reasons set forth in the Objection; and the Court having jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334; and venue being proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409; and consideration of the Objection being a core proceeding pursuant to 28 U.S.C. § 157(b); and it appearing that proper and adequate notice of the Objection has been given and that no other or further notice is necessary; and upon the record herein; and the Court having determined that the relief sought by the Objection is in the best interest of the Debtor's estate and creditors; and after due deliberation and good and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. The Objection is SUSTAINED as set forth herein.
2. Each of the Claims listed on **Schedules A through H** attached to this Order are hereby expunged, modified and/or reclassified to unsecured claims as set forth therein, provided that the Remaining Claims set forth on Schedules A and B shall survive and shall not be expunged.
3. The Liquidating Trustee is authorized to take any action necessary or appropriate to give effect to this Order and the relief granted herein.

¹ Capitalized terms not defined herein shall have the meanings ascribed to them in the Objection.

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DEBTOR: Aluminum Shapes, L.L.C.
CASE NO: 21-16520-JNP
CAPTION: Order Sustaining The Liquidating Trust's First Omnibus Objection For Entry Of An Order
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4. The Liquidating Trustee withdraws its objection to claim number 30048, claim number 30064, and claim number 45. It also withdraws its objection to claim number 10039 which was withdrawn by the Department of Labor, and claim number 83, which will be amended by the IRS/Department of Treasury.

5. The hearing on the Liquidating Trust's claim number 10055 (Customer's Bank) and claim number 17 (Wells Fargo Bank) shall be adjourned to February 6, 2024.

6. The rights of parties, including the Liquidating Trustee, are reserved with respect to the pursuit of claims or causes of action to recover money paid, if any, by the Debtor to the Claimants listed on **Schedules A through H** attached to this Order.

7. The Debtor's claims and noticing agent is hereby authorized and directed to make such revisions to the official claims register as are necessary to reflect the relief granted in this Order.

8. Nothing in the Objection or this Order shall be deemed or construed to (a) constitute an admission as to the validity or priority of any claim against the Debtor, (b) an implication or admission that any particular claim is of a type specified or defined in this Order or the Objection, and/or (c) constitute a waiver of the Liquidating Trust's or the Debtor's rights to dispute any claim on any other grounds.

9. The objection to each claim addressed in the Objection and as set forth in **Schedules A through H** attached hereto, constitutes a separate contested matter as contemplated by Bankruptcy Rule 9014. This Order shall be deemed a separate order with respect to each claim that is the subject of the Objection and this Order. Any stay of this Order pending appeal by any claimants whose claims are subject to this Order shall only apply to the contested matter that

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DEBTOR: Aluminum Shapes, L.L.C.

CASE NO: 21-16520-JNP

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involves such claimant and shall not stay the applicability and/or finality of this Order with respect to any other contested matters addressed in the Objection and this Order.

10. The requirement set forth in Local Rule 9013-1(a)(3) that any motion or other request for relief be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Objection or otherwise waived.

11. Notwithstanding any applicability of any of the Bankruptcy Rules, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

12. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation of this Order.

SCHEDULE A

(Amended Claims)

Amended Claims									
Claims to be Disallowed (Amended)									
Claimant	Claim Number	Debtor	Date Filed	Amount	Claimant	Claim Number	Debtor	Date Filed	Amount
Dept. of Treasury (IRS)	36	Aluminum Shapes L.L.C.	9/21/2021	\$ 23,284.86	Dept. of Treasury (IRS)	83	Aluminum Shapes L.L.C.	3/11/2022	\$12,147.16
Dilworth Paxson LLP	43	Aluminum Shapes L.L.C.	9/28/2021	\$ 201,999.19	Dilworth Paxson LLP	81	Aluminum Shapes L.L.C.	1/26/2022	\$146,725.25
State of NJ, Div. of Taxation	70	Aluminum Shapes L.L.C.	10/28/2021	\$2,270.67	State of NJ, Div. of Taxation	10052	Aluminum Shapes L.L.C.	5/2/2022	\$67.49
State of NJ, Div. of Taxation	78	Aluminum Shapes L.L.C.	11/9/2021	\$775.00	State of NJ, Div. of Taxation	10037	Aluminum Shapes L.L.C.	12/14/2021	\$2,525.03
State of NJ, Div. of Taxation	10037	Aluminum Shapes L.L.C.	12/14/2021	\$2,525.03	State of NJ, Div. of Taxation	10042	Aluminum Shapes L.L.C.	2/24/2022	\$4,275.03
State of NJ, Div. of Taxation	10042	Aluminum Shapes L.L.C.	2/24/2022	\$8,550.06	State of NJ, Div. of Taxation	10051	Aluminum Shapes L.L.C.	5/2/2022	\$213.90

SCHEDULE B

(Duplicate Claims)

Duplicate Claims									
Duplicate Claims					Remaining Claims				
Claimant	Claim Number	Debtor	Date Filed	Amount	Claimant	Claim Number	Debtor	Date Filed	Amount
Eriler Hermes NA, Agent for Jos. Freedman Co. Inc. Edward Kurth & Sons Inc.	4	Aluminum Shapes L.L.C.	8/19/2021	\$40,817.70	Eriler Hermes NA, Agent for Jos. Freedman Co. Inc. Edward Kurth & Sons Inc.	3	Aluminum Shapes L.L.C.	8/19/2021	\$115,618.56
	79	Aluminum Shapes L.L.C.	11/9/2021	\$8,891.99		77	Aluminum Shapes L.L.C.	11/9/2021	\$8,891.99
					Reason for Disallowance				
					Invoices in Claim Number 4 are included in Claim Number 3 and are therefore, duplicative. Claim Number 79 is duplicative of Claim Number 77.				

SCHEDULE C

(Contingent/ Unliquidated)

Unliquidated Claims						
Claimant	Claim Number	Debtor	Date Filed	Claimed Amount	Basis for Expunging Claim	
U.S. Department of Labor - Employee Benefit Plan	10040	Aluminum Shapes L.L.C.	2/10/2022	Undetermined	This claim is undetermined and not liquidated. Accordingly, the claim should be disallowed and expunged.	

SCHEDULE D

(Lack of Support)

No Support Claims						
Claimant	Claim Number	Debtor	Date Filed	Claimed Amount	Reason for Disallowance/Expungement	
Aluminum Shapes 401K Plan	10039	Aluminum Shapes L.L.C.	2/10/2022	Undetermined	Claimant provided insufficient support for its claim.	
Andre Knox	10053	Aluminum Shapes L.L.C.	5/4/2022	Unliquidated	Claimant provided insufficient support for its claim.	
Bathauer, Doug	10028	Aluminum Shapes L.L.C.	10/25/2021	\$ 1,480.38	Claimant provided insufficient support for its claim.	
Bathauer, Doug	10029	Aluminum Shapes L.L.C.	10/25/2021	\$ 4,807.69	Claimant provided insufficient support for its claim.	
Rosenthal, Solomon	10031	Aluminum Shapes L.L.C.	10/25/2021	\$ 74,861.00	Claimant provided insufficient support for its claim.	
Rosenthal, Solomon	10032	Aluminum Shapes L.L.C.	10/25/2021	\$ 26,469.60	Claimant provided insufficient support for its claim.	
Santiago, Henry	30081	Aluminum Shapes L.L.C.	4/12/2022	Undetermined	Claimant provided insufficient support for its claim.	
U.S. Department of Labor - Employee Benefit Plan	10040	Aluminum Shapes L.L.C.	2/10/2022	Undetermined	Claimant provided insufficient support for its claim.	

SCHEDULE E

(No Liability Claims)

No Liability Claims						
Claimant	Claim Number	Debtor	Date Filed	Claimed Amount	Basis for Expunging Claim	
Reich Bros LLC	30086	Aluminum Shapes L.L.C.	4/15/2022	\$ 15,000.00	The Debtor has no liability for this claim because claimant did not procure a lender as contemplated by the agreement between the parties, and accordingly, the Debtor has no liability.	
Stout Capital, LLC	10005	Aluminum Shapes L.L.C.	10/12/2021	\$ 250,000.00	The Debtor has no liability for this claim because claimant did not procure a lender as contemplated by the agreement between the parties, and accordingly, the Debtor has no liability to the Claimant. Further, Claimant provided insufficient support for its claim that it provided a financing commitment to the Debtor.	

SCHEDULE F

(Late Filed Claims)

Late Filed Claims						
Claimant	Claim Number	Debtor	Date Filed	Claim Amount	Reason for Disallowance	
Andre Knox	10053	Aluminum Shapes L.L.C.	5/4/2022	Unliquidated	Claim filed after applicable bar date.	
Edward Kurth & Sons Inc.	77	Aluminum Shapes L.L.C.	11/9/2021	\$ 8,891.99	Claim filed after applicable bar date.	
Edward Kurth & Sons Inc.	79	Aluminum Shapes L.L.C.	11/9/2021	\$ 8,891.99	Claim filed after applicable bar date.	
Pitney Bowes Global Financial Services	80	Aluminum Shapes L.L.C.	12/14/2021	\$ 8,070.49	Claim filed after applicable bar date.	

SCHEDULE G

**(Modified Claims/
Reclassification Claims)**

Yard Truck Specialists	Aluminum Shapes L.L.C. 59	10/8/2021	503(b)(9)	\$	-	\$	-	There is no basis for the status of secured status as there are no assets to secure the claim. Accordingly, the Liquidating Trustee is reclassifying this claim as a general unsecured claim.
			Administrative	\$	-	\$	-	
			Priority	\$	-	\$	-	
			Secured	\$	17,326.55	\$	-	
			Unsecured	\$	-	\$	17,326.55	
			Subtotal	\$	17,326.55	\$	17,326.55	

153475857.2

SCHEDULE H

(Satisfied Claims)

Satisfied Claims					
Claimant	Claim Number	Debtor	Date Filed	Claimed Amount	Basis for Expunging Claim

In re:
Aluminum Shapes, L.L.C.
Debtor

Case No. 21-16520-JNP
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0312-1
Date Rcvd: Jan 10, 2024

User: admin
Form ID: pdf903

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Total Noticed: 4

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 12, 2024:

Recip ID	Recipient Name and Address
db	+ Aluminum Shapes, L.L.C., 9000 River Road, Delair, NJ 08110-3200
aty	+ Kurtzman Steady LLC, 2 Kings Highway West, Suite 102, Haddonfield, NJ 08033-2117
aty	+ Michael D Vagnoni, Obermayer Rebmann Maxwell & Hippel, LLP, 1120 Route 73, Suite 420, Mount Laurel, NJ 08054-5109
aty	+ Obermayer Rebmann Maxwell & Hippel LLP, 1120 Route 73, Suite 420, Mount Laurel, NJ 08054-5109

TOTAL: 4

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 12, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 10, 2024 at the address(es) listed below:

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User: admin

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District/off: 0312-1

User: admin

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TOTAL: 97